

Atty. Dkt. No.: CLI-023

REMARKS

The Examiner has rejected claims 18, 19, 21 and 47-52 under 35 USC § 102(b) as being anticipated by Shimono et al (JP 09281054 A). Claims 1, 3, 4, 8-11, 13, 15-19, and 24-36 are allowed. Claims 37-46 were objected to as being dependent upon a rejected base claim but were noted to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner's allowance of these claims and the indications of allowable subject matter. Applicants believe that the amendments and/or arguments with respect to claims 18 and 21, from which claims 37-41 and 42-46 respectively depend, now place the base claims in allowable form and thus overcome the need to convert claims 37 and 42 to independent form.

Applicants also wish to thank the examiner for his courtesy and cooperation in setting up and conducting an interview with the undersigned on Jan. 10, 2005. Claims 18, 47, and 48 were discussed. The differences between Shimono FIGS. 10 and the invention recited by the claims 18 was discussed but no agreement was reached. Applicants and the examiner agreed that Shimono did not teach the limitation of at least one of a read and write operation as recited in claim 47. The examiner suggested that further clarification be provided for transmitter and receiver in claim 47 and for claim 48.

Applicants have amended claims 18, 21, and 47-50. Claims 18 and 21 have been amended to include the limitation that the microcontroller is configured to send a signal to the disc drive based on the received light signals. These limitations added are present in dependent claims 37 and 42 and hence no new matter is added. Applicants respectfully request that the examiner reconsider the claims and enter the amendments. Applicants submit that independent claims 18 and 21 are now in allowable form and thus claims 37 to 46 need not be converted to independent form.

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Shimono fails to teach a microcontroller configured to send a command to the disc drive as required by the limitations in claims 18 and 21. The control surface mentioned in the Office action and present in the abstract of Shimono refers to only a surface of the disc under examination, not an electronic device. Further, applicants believe that Shimono, particularly in paragraphs 0037-0038 and FIG. 10, fails to teach or suggest the receiver configured to receive reflected light propagated from a crack. Instead, Shimono teaches that the receiver is positioned to detect light from a defect free surface, i.e., in the predetermined direction (i.e., the direction consistent with ray 102). Hence, light reflected from a crack (e.g., 1a) would not be detected by Shimono's receiver since the ray from the crack would be scattered in a direction different from the predetermined direction. Granted, when a die defect such as silverfish (e.g., 1b) are present, Shimono's receiver can detect their presence by an increase or decrease in reflected light. But these surface discolorations aren't cracks. For at least these reasons applicants submit that claims 18 and 21 are allowable as are dependant claims 19 and 37-46.

Claim s 47 -51 were also amended. Claim 47 was amended to clarify the transmitter and receiver roles in the inspection operation per the discussion with the examiner during the interview. No new matter has been added. Support may be found in many of the other claims indicated to be in allowable form, for example claims 1 and 8. Applicants submit that claim 47 is allowable for at least the reason that Shimono does not teach or suggest an optical disc drive configured for performing at least one of a read and write operation as recited in claim 47. Claim 48 has been amended to include a clarification that the transmitter is positioned outside of the periphery of the disc and in the plane of the disk. Support for the clarification regarding claim 48 may be found in FIG. 1. Claims 47-51 have also been amended to deal with informalities, for example to overcome possible antecedent basis objections and typographical

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errors. Claims 47 – 52 are submitted to be allowable for at least their dependencies from an allowable independent, i.e., claim 47.

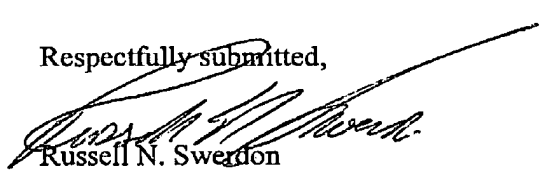
The dependent claims recite additional limitations, and are therefore allowable for these reasons as well. Further discussion of these distinctions is believed unnecessary in light of the distinctions discussed above relative to the independent claims. For at least the foregoing reasons, applicants submit that new claims 47 – 52 are allowable.

CONCLUSION

During the course of these remarks, Applicants have at times referred to particular limitations of the claims that are not shown in the applied prior art. This shorthand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. Accordingly, it is submitted that all issues in the Office Action have been addressed, and withdrawal of the rejections is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned to expedite the resolution of this application.

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Respectfully submitted,


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